

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel.
W. A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,**

Plaintiff,

vs.

) 05-CV-0329 GFK-SAJ

**TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,**

Defendants.

NOTICE OF VIDEO DEPOSITION

**TO: State of Oklahoma
c/o David Riggs
Riggs, Abney, Neal, Turpen, Orbison & Lewis
502 West 6th Street
Tulsa, Oklahoma 74119-1010**

You are hereby notified that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants will take the videotaped oral deposition of the State of Oklahoma by an individual or individuals designated by the State under Federal Rules of Civil Procedure, Rule 30(b)(6), with knowledge and information relating to the topics listed on Attachment "A" hereto at the offices of Ryan, Whaley & Coldiron, located at 900 Robinson Renaissance, 119 North Robinson, Oklahoma City, Oklahoma 73102 commencing on August 4, 2008, at 9:00 a.m. and continuing from day to day until completed, before an officer authorized by law to take the deposition and



administer oaths and a videographer. The deposition is being taken for the purpose of discovery and for use at trial as well as for other purposes permitted by law.

The State of Oklahoma is hereby noticed of its duty to make such designation(s). The designated individual(s) must testify as to matters known or reasonably available to the State. You are invited to attend and cross-examine.

Respectfully submitted,

By /s/A. Scott McDaniel
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CERTIFICATE OF SERVICE

I certify that on the 1st day of July, 2008, I electronically transmitted the attached document to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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/s/ A. Scott McDaniel

EXHIBIT A

Area of Inquiry: Mining

1. The locations of all surface mining activities that have occurred within the Oklahoma portion of the IRW, which have occurred with the knowledge of the State, or pursuant to permits issued by the State or under authority granted by the State, including the contents, recommendations, conditions, and/or limitations upon the mining activity contained within said permits.
2. A description of each surface mining operation identified in response to Topic 1, including the nature of the operation, the identity of the owners/operators, duration of the activity, any inspections or observations of the activity, any complaints or violations involving the activity, and any communications between the State and the owners/operators of the activity.
3. All information about any complaints pertaining to unpermitted mining operations within the Oklahoma portion of the IRW, including the description and location of the operation, the nature of the operation, the identity of the owners/operators, duration of the activity, any inspections or observations of the activity, any investigations of violations involving the activity, the resolution of the complaint and any communications between the State and the owners/operators of the activity.
4. A description of the ecological and/or environmental effects of each surface mining operation identified in response to Topic 1, including any studies, testing, evaluations, surveys, remedial actions or recommendations for remedial actions.
5. The current and historical laws, rules and/or regulations applicable to surface mining activities occurring in the Oklahoma portion of the IRW.
6. The identities, contact information, and position of all current and former state employees who have knowledge about the topics described above.

Area of Inquiry: Lake Frances

1. All information discussing evaluations, studies, assessment, surveys, or sampling of the waters, sediments or biota of Lake Frances, including any data developed pursuant thereto.
2. All information discussing evaluations, studies, assessments, surveys, or sampling of the waters, sediments or biota of the Illinois River that were performed as part of or attendant to any evaluation, study or survey of the effect of any aspect of Lake Frances upon the water, sediments or biota of the Illinois River in Oklahoma, including any data developed pursuant thereto.
3. All information about the failure of the Lake Frances dam and any actual or potential effects of the dam failure on the water, sediments or biota of the Illinois River in Oklahoma, including any data developed pursuant thereto.

4. All information about measures or actions, whether drafted, contemplated, recommended, rejected, implemented or not implemented to address or ameliorate any impact of any facet of Lake Frances on the water, sediments or biota of the Illinois River in Oklahoma.
5. The identities, contact information, and position of all current and former state employees who have knowledge about the topics described above.

Areas of Inquiry: Poultry Growing Operations and Management of Poultry Litter

1. Current and historical statutes, rules and regulations of Oklahoma applicable to poultry feeding operations and the management of poultry litter in the IRW, including the policies and rationale underlying the provisions of said statutes, rules and regulations.
2. The Oklahoma – NRCS Code 590, including the process for developing and issuing Nutrient Management Plans or Animal Waste Management Plans pursuant thereto, the criteria applicable to the IRW, changes or modifications of the criteria contained therein, and the policies and rationale underlying Oklahoma's adoption of the Code 590.
3. All information about complaints, violations of Oklahoma statutes or regulations or notices of violation of same involving any poultry feeding operation or any poultry confined animal feeding operation within the IRW, including the nature of the violation, dates of such violations, the owner/operator of the operation, the investigation of the violation, and the resolution of the violation.
4. All information about any complaints alleging that poultry waste has been discharged to the waters of the state within the IRW, including the dates of such discharge, the owner/operator of the operation, the investigation of the discharge, and the resolution of the complaint.
5. All information about any complaints alleging that the waters of the state within the IRW have been contaminated by handling, treatment, management, use or disposal of poultry waste, including the dates of such occurrence, the owner/operator of the operation, the investigation of the occurrence, and the resolution of the complaint.
6. Any information about ecological or environmental impacts resulting from any occurrence identified in response to Topic 3, 4 and 5, including any data developed pursuant thereto.
7. Any information about any occurrence where a poultry feeding operation or any poultry confined animal feeding operation within the IRW failed to manage, handle, store, use or land apply poultry litter or any "poultry waste" as that term is defined in Oklahoma's statutes and regulations in conformance with Oklahoma's statutes, regulations or the Animal Waste Management Plan applicable to said operation, including the identification of the owner/operator of the facility, the nature of the occurrence, the date and location of the occurrence.
8. Any information about ecological or environmental impacts resulting from any occurrence identified in response to Topic 7, including any data developed pursuant thereto.

9. Any information about complaints, violations of Oklahoma statutes or regulations or notices of violation of same involving any poultry integrator relating to operations or activities within the IRW.

10. Identification of all persons or entities who have land applied poultry litter or any "poultry waste" as that term is defined in Oklahoma's statutes and regulations, in the IRW, whether or not such person or entity is registered, licensed or certified by the State.

11. Quantity of poultry litter or any "poultry waste" as that term is defined in Oklahoma's statutes and regulations that has been land applied within the IRW, on an annual basis by an owner or operator of a poultry feeding operation or a poultry confined animal feeding operation, including the operation's owner/operator, date, location and quantity thereof.

12. Quantity of poultry litter or any "poultry waste" as that term is defined in Oklahoma's statutes and regulations that has been land applied within the IRW, on an annual basis by someone other than an owner or operator of a poultry feeding operation or a poultry confined animal feeding operation, including the person performing the land application, date, location and quantity thereof.

13. Information regarding the constituents of poultry litter or "poultry waste" as that term is defined in Oklahoma's statutes and regulations.

14. All programs, initiatives or activities of the State that involve the transfer, sale, transportation, or utilization of poultry litter or "poultry waste" as that term is defined in Oklahoma's statutes and regulations, including a description of the nature and functions of the program, initiative or activity, the dates of operation, the disposition of all poultry litter or "poultry waste" pursuant to said program, initiative or activity, and the identities of all participants who were the source or recipient of such poultry litter or "poultry waste."

15. Statutes and/or regulatory programs in place pertaining to the land application of poultry litter or any "poultry waste" in states other than Oklahoma.

16. The identities, contact information, and position of all current and former state employees who have knowledge about the topics described above.

Area of Inquiry: Nurseries

1. Identification of all commercial nurseries that have operated within the Oklahoma portion of the IRW, including locations, owners/operators, and duration of operation.

2. All information about the surface water run-off from each nursery identified in response to Topic No. 1, including the annual quantities of runoff water and the nature and constituents of such runoff water.

3. All information about the occurrence of or potential for runoff water from any nursery identified in response to Topic No. 1 to reach the waters of the State, including any studies, assessments, evaluations, sampling, data or inspections pertaining thereto.

4. All information about the potential or actual ecological or environmental impacts resulting from the runoff from any nursery identified in response to Topic No. 3.
5. All information about any pollution or environmental complaints, violations of Oklahoma law or notices of violations involving any nursery identified in response to Topic No. 1, including the investigation, conclusions, remedies and resolution thereof and any data developed pursuant thereto.
6. The identities, contact information, and position of all current and former state employees who have knowledge about the topics described above.

Area of Inquiry: Potable Water

1. Identification of all municipalities, systems or water districts that have drawn raw water from the Oklahoma portion of the IRW for treatment and distribution for domestic purposes, including the location of the raw water intake, location of the treatment facility, number of users or consumers, distribution area, and annual volume of treated water.
2. Description of the treatment equipment and technologies utilized by each system identified in response to Topic No. 1.
3. Levels of disinfection byproducts contained within the treated water for each system identified in response to Topic 1.
4. Comparison of levels of disinfection byproducts identified in response to Topic No. 3 to levels of disinfection byproducts of other municipal water systems in Oklahoma.
5. All information about any violation of any federal or state drinking water standard by any system identified in response to Topic No. 1, including the nature of the violation, the levels of the constituents of concern, the date, duration and any remedial measures stemming therefrom.
6. Human health risks associated with consumption of disinfection byproducts in treated potable water, both generally, and with regard to any system identified in response to Topic No. 1, including any studies, evaluations, reports, or recommendations.
7. All state and federal statutes and regulations that pertain to the treatment of water for human consumption that are applicable to the IRW in Oklahoma.
8. The identities, contact information, and position of all current and former state employees who have knowledge about the topics described above.

Area of Inquiry: Fisheries and Aquatic Biology

1. All information about sampling of Lake Tenkiller for Rotenone, including any studies, analytical data, impacts and recommendations.

2. All information about electrofishing studies or investigations for Lake Tenkiller or any stream within the Oklahoma portion of the IRW, including results, analysis, conclusions and recommendations.
3. All information about fish collection studies or investigations for Lake Tenkiller or any stream within the IRW, including results, analysis, conclusions and recommendations.
4. All information about the summary reports for the fisheries in Lake Tenkiller or any stream within the Oklahoma portion of the IRW.
5. All information about any fishery management programs for the Oklahoma portion of the IRW, including programs that were implemented as well as programs or recommendations that have not been implemented.
6. All information about the quality of the fisheries in the waters of the Oklahoma portion of the IRW, including any studies, investigations, reports, data, analysis, trends, economic impacts and recommendations.
7. All information about the involvement of the Oklahoma Department of Wildlife Management with public access sites on the Illinois River.
8. All information about public access areas on the Oklahoma portion of the Illinois River, including the locations, date established, land uses, maintenance, modifications or alterations, restroom facilities, changes in vegetation (including development or clearing thereof), any spills or cleanups of potential pollutants, usage statistics, and efforts to advertise or encourage use.
9. All information about recreational fishing within the Oklahoma portion of the IRW, including surveys, reports, data, trends, forecasts, impacts, and recommendations.
10. All information about the physical attributes and habitat of the streams within the Oklahoma portion of the IRW.
11. All information about studies, reports or investigation of benthic macroinvertebrates in any surface waters within the Oklahoma portion of the IRW, including any sampling results, analysis, impacts, changes over time or location, and any recommendations.
12. All information about studies or investigation of algae in any surface waters within the Oklahoma portion of the IRW, including any sampling results, analysis, impacts, changes over time or location, and any recommendations.
13. All information about any Use Attainability Analysis projects in the Oklahoma portion of the IRW, whether completed, in progress, or considered but not implemented.
14. The identities, contact information, and position of all current and former state employees who have knowledge about the topics described above.